

Dep/Ref #307

PATENT

Atty. Dkt. No.:
033655R002

#20 Req - for Refund
3-7-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Francesco BETORI

Serial No. : 09/350,989

Group Art Unit: 2814

Filed : August 24, 2000

Examiner: D. Graybill

For : UN-PACKAGED OR SEMI-PACKAGED ELECTRICALLY
TESTED ELECTRONIC DEVICE FREE FROM INFANTILE
MORTALITY AND PROCESS FOR MANUFACTURE THEREOF

REQUEST FOR REFUND

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

On January 28, 2002, Applicants filed a Continued Prosecution Application and a three month Petition for Extension of Time with the requisite \$920.00 extension fee. This filing was in response to an Advisory Action. However, due to mail delays, the Advisory Action (mailed December 11, 2001, well before the five month due date of December 27, 2001) was not received in our Office until January 16, 2002 which was in the sixth month due date period.

As this atypical mailing period resulted in the need to pay a three month extension as opposed to a two month extension and Applicant was predisposed to file a CPA within the two month extension period, it is respectfully requested that Deposit Account No. 02-4300 be credited the \$520.00 extension fee difference between the second and third



month Extension of Time fees. Attached is a copy of the Office Action as well as the standard in-office mail stamp applied on the date of receipt at our office. Applicant looks forward to confirmation that deposit account has been credited the \$520.00.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP

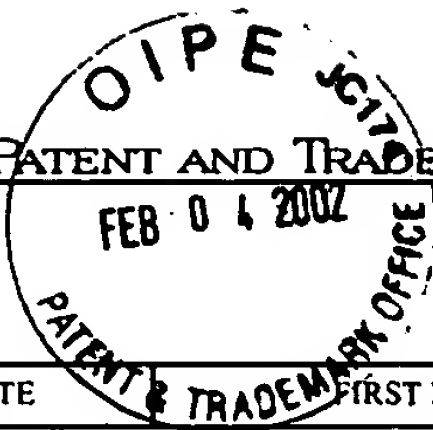
By: 

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Dated: February 4, 2002
DCR/BLN



UNITED STATES PATENT AND TRADEMARK OFFICE



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DGR/BW
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/350,989	07/12/1999	FRANCESCO BETORI	33655YD002	9096

7590 12/11/2001
SMITH GAMBRELL & RUSSELL LLP
BEVERIDGE DEGRANDI WEILACHER &
YOUNG INTELLECTUAL PROPERTY GR
1850 M STREET NW SUITE 800
WASHINGTON, DC 20036

EXAMINER

GRAYBILL, DAVID E

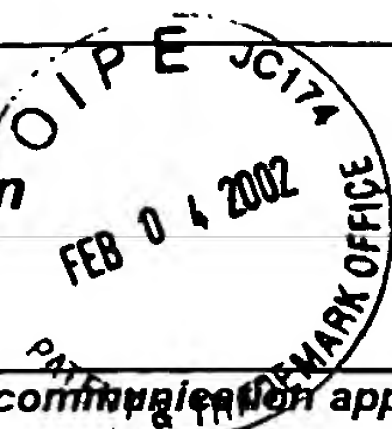
ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 12/11/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action



Application No.

09/350,989

Applicant(s)

BETORI, FRANCESCO

Examiner

David E Graybill

Art Unit

2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 November 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the _____ application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

David E Graybill
Primary Examiner
Art Unit: 2814

Continuation of 2. NOTE: All of the amendments not specifically indicated infra as provisionally enterable raise new issues that would have to be thoroughly considered in order to determine if the amendments constitute new matter, and all of the amendments would otherwise require undue further consideration and/or search.

Continuation of 5. does NOT place the application in condition for allowance because: The request for reconsideration is directed to the unentered amendment, and on cursory consideration, the request for reconsideration does not otherwise appear to overcome the rejections.

Continuation of 10. Other: The following amendments would be acceptable as placing the claims in better form for appeal or complying with objections or requirements as to form, if a separate paper was filed containing only such amendments: Claim 1, line 3, insertion of "." and deletion of "and"; Claim 3, last line, deletion of "the" and insertion of "a".